

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

Travis Cunningham,

Plaintiff,

v.

Case No. 3:16-CV-396 JVB

State of Indiana, et al.,

Defendants.

OPINION AND ORDER

Plaintiff Travis Cunningham, a pro se prisoner, filed a confusing complaint. It is unclear whom he is suing or why. He appears to name two defendants in his caption: Westville Correctional Facility and Indiana Department of Corrections. However it also appears that he might also be trying to sue: State of Indiana, County of LaPorte, Mark Sevier, and Director of Classification.

“Indiana’s two-year statute of limitations . . . is applicable to all causes of action brought in Indiana under 42 U.S.C. § 1983.” *Snodderly v. R.U.F.F. Drug Enforcement Task Force*, 239 F.3d 892, 894 (7th Cir. 2001). However Cunningham begins by describing events which occurred more than four years ago.

He asserts that he is wrongfully imprisoned, but this is a civil rights case and “habeas corpus is the exclusive remedy for a state prisoner who challenges the fact or duration of his confinement and seeks immediate or speedier release . . .” *Heck v. Humphrey*, 512 U.S. 477, 481 (1994).

He complains about numerous events and states that Superintendent Mark Sevier has been made aware of them, but there is no general respondeat superior liability under 42 U.S.C. § 1983. Merely telling a supervisor about some event does not make that person financially liable. “[P]ublic employees are responsible for their own misdeeds but not for anyone else’s.” *Burks v. Raemisch*, 555 F.3d 592, 596 (7th Cir. 2009).

This complaint does not plausibly state a claim, therefore it will be stricken. Cunningham may file an amended complaint, but if he does, he must also resolve his filing fee status. *Cf. Luevano v. Wal-Mart*, 722 F.3d 1014 (7th Cir. 2013). In the amended complaint he must clearly list his defendants. He must explain what each defendant did (or did not do) which makes that defendant financially liable to him.

For these reasons, the court:

- (1) **STRIKES** the complaint (DE 1);
- (2) **DIRECTS** the clerk to place this cause number on a blank Prisoner Compliant form and send it to Travis Cunningham;
- (3) **GRANTS** Travis Cunningham until August 18, 2016, to file an amended complaint and resolve his filing fee status; and
- (4) **CAUTIONS** Travis Cunningham that if he does not respond by that deadline, this case will be dismissed without further notice pursuant to 28 U.S.C. § 1915A.

SO ORDERED on July 7, 2016.

s/ Joseph S. Van Bokkelen
JOSEPH S. VAN BOKKELEN
UNITED STATES DISTRICT JUDGE